

PETITION FOR SPECIAL EXCEPTION 84-202-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for farmers' coop roadside stand and fishing and shellfishing facilities, Class II

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

John W. Richardson

Signature

John W. Richardson

Address

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

John B. Contrum

(Type or Print Name)

Address

City and State

809 Eastern Boulevard

Baltimore, Md. 21221

Telephone No. 686-8274

Address

809 Eastern Blvd. 686-8274

Ordered By The Zoning Commissioner of Baltimore County, this 13th day of December, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of February, 1984, at 11:00 o'clock A.M.

Carl John
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
N/S Ebenezer Rd., 575' E of
Earls Beach Rd. (6836 Ebenezer Rd.), 15th District
OF BALTIMORE COUNTY
JOHN W. RICHARDSON, Petitioner Case No. 84-202-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

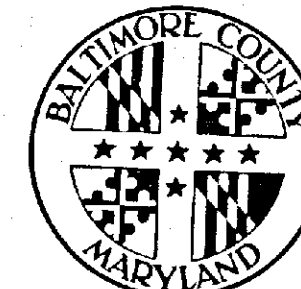
I HEREBY CERTIFY that on this 25th day of January, 1984, a copy of the foregoing Entry was mailed to John B. Contrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 6, 1984

COUNTY OFFICE BLDG.
113 W. Chesapeake Ave.
Towson, Maryland 21204
ofo
Nicholas B. Connodari
Chairman

John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 135 - Case No. 84-202-X
Petitioner - John W. Richardson
Special Exception Petition

Dear Mr. Contrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to use the subject property for a fishing and shellfishing operation and a farmer's coop roadside stand, this hearing is required.

The site plan should be revised to incorporate the comments of the Department of Traffic Engineering. This can be done at the building permit stage if the petition is granted.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Connodari
NICHOLAS B. CONNODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Frank Lee
1277 Neighbors Ave
Baltimore, Md. 21237

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 135, Zoning Advisory Committee Meeting of Dec. 13, 1983

Property Owner: John W. Richardson

Location: N/S Ebenezer Road District 15

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- (✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charroller operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (✓) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)
215 84-202-X

Jan 27, 1984
Date

Zoning Item # 135
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
() The results are valid until _____
() Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of building permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (✓) Others The drilled well and both sewage disposal systems serving this property appear to be in satisfactory condition. It is strongly recommended that the well tank be relocated at a greater distance from the well. Owner should contact the Bureau of Water Quality and Waste Mgmt. at 494-3768 or the Maryland State Water Resources Administration at 267-2104 regarding this relocation. Owner should also contact the Eastern Environmental Services at 687-6360 and arrange for sampling of the water supply for volatile organics. The Eastern Env. Services has been notified of this situation.

John J. Forrester
John J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1082 (2)



HARRY J. PISTEL, P.E.
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

January 26, 1984

Re: Item #135 (1983-1984)
Property Owner: John W. Richardson
N/S Ebenezer Rd. 575' E. Earls Rd.
Acres: 64.949
District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

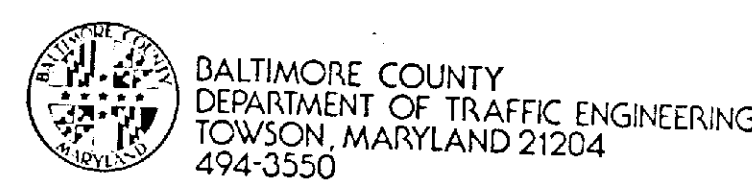
No improvements or permits are proposed for this site. Public Works facilities are not involved.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAN:EAM:FWR:rs

MM-SW Key Sheet
25-27 NE 45 & 46 Pos. Sheets
NE 7 L Topo
83 Tax Map



STEPHEN E. COLLINS
DIRECTOR

January 12, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 135 -ZAC- Meeting of December 13, 1983
Property Owner: Mr. John W. Richardson
Location: N/S Ebenezer Road 575' E. Earls Road
Existing Zoning: R.C.2
Proposed Zoning: Special Exception for farmer's roadside coop stand and fishing and shellfishing shoreline class 2.

Acres: 64.949
District: 15th

Dear Mr. Jablon:

The plan must be revised to show the future right-of-way and a standard driveway entrance. The parking lot must be physically separated from the roadway.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm

PETITIONER'S EXHIBIT 7

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commission of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto:

Clifton H. Mazelle
Affiant

I have personal knowledge that vegetables, fruit and produce in and out of season on the farm located at 6836 Ebenezer Road and grown elsewhere have been sold from the farm located at 6836 Ebenezer Road Baltimore County Maryland since 1947.

I also have personal knowledge that that vegetable, fruit and produce have been sold from the farm located at 6836 Ebenezer Road Baltimore County Maryland continuously and uninterruptedly since 1947.

This personal knowledge is based upon: Verbal relations

across the road on owner's property
owns road since 1970

Clifton H. Mazelle
10741 Chiles Rd
White House Md 21162

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 15th day of July, 1981, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Clifton H. Mazelle, the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal

Joyce E. Wein
Notary Public

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Frank Lee
1277 Neighbors Avenue
Baltimore, Md. 21237

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of December, 1983.

Arnold Jablon
Zoning Commissioner
received by Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

Petitioner John W. Richardson,
Petitioner's Attorney John B. Gontrum, Esq.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15 Date of Posting 1/24/84
Posted for: Petition for Special Exception
Petitioner: John W. Richardson
Location of property: M/S Ebenezer Rd., 575' E of Earle
Beach Rd.
Location of Signs: front of property (#6836 Ebenezer
Rd.)
Remarks: Green 2. Coleman
Posted by Green 2. Coleman Signature Date of return: 2/2/84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 26, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the 15th day of February, 1984, the first publication appearing on the 26th day of January, 1984.

THE JEFFERSONIAN,
L. Frank Smith
Manager.

Cost of Advertisement, \$ 18.00

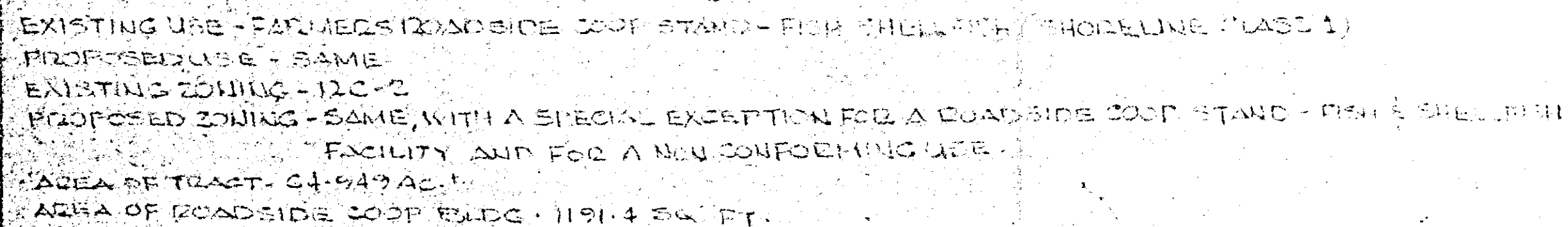
PETITION FOR SPECIAL
EXCEPTION
15th Election District
ZONING: Petition for Special Ex-
ception
LOCATION: North side Ebenezer
Road, 575 ft. East of Earle Beach
Road (6836 Ebenezer Road)
DATE & TIME: Wednesday, Feb-
ruary 15, 1984 at 11:00 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Bal-
timore County, by authority of the
Zoning Act and Regulations of Bal-
timore County, will hold a public
hearing:
Petition for Special Exception for
farmers' co-op roadside stand and
fishing and shellfishing facilities,
Class II.
Being the property of John W.
Richardson, as shown on plat plan
filed with the Zoning Department.
In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day
appeal period. The Zoning Commis-
sioner will, however, entertain any
request for a stay of the issuance
of said permit during this period
for good cause shown. Such request
must be received in writing by the
date of the hearing set above or
made at the hearing.
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Jan. 26,

Petition For
Special
Exception
15TH ELECTION
DISTRICT
ZONING: Petition for
Special Exception
LOCATION: North side
Ebenezer Road, 575 ft.
East of Earle Beach Road
(6836 Ebenezer Road)
DATE: Feb. 16, 1984
at 11:00 A.M.
PUBLIC HEARING:
Room 106, County Office
Building, 111 W. Chesa-
peake Avenue, Towson,
Maryland
The Zoning Commis-
sioner of Baltimore Coun-
ty, by authority of the
Zoning Act and Regula-
tions of Baltimore County,
will hold a public hearing:
Petition for Special Ex-
ception for farmers' co-op
roadside stand and fishing
and shellfishing facilities,
Class II.
Being the property of
John W. Richardson, as
shown on plat plan filed
with the Zoning Depart-
ment.
In the event that this Pe-
tition is granted, a build-
ing permit may be issued
within the thirty (30) day
appeal period. The Zoning
Commissioner will howev-
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of said permit during this
period for good cause
shown. Such request must
be received in writing by
the date of the hearing set
above or made at the hear-
ing.
By Order Of
Arnold Jablon
Zoning Commissioner
Of Baltimore County

The Times

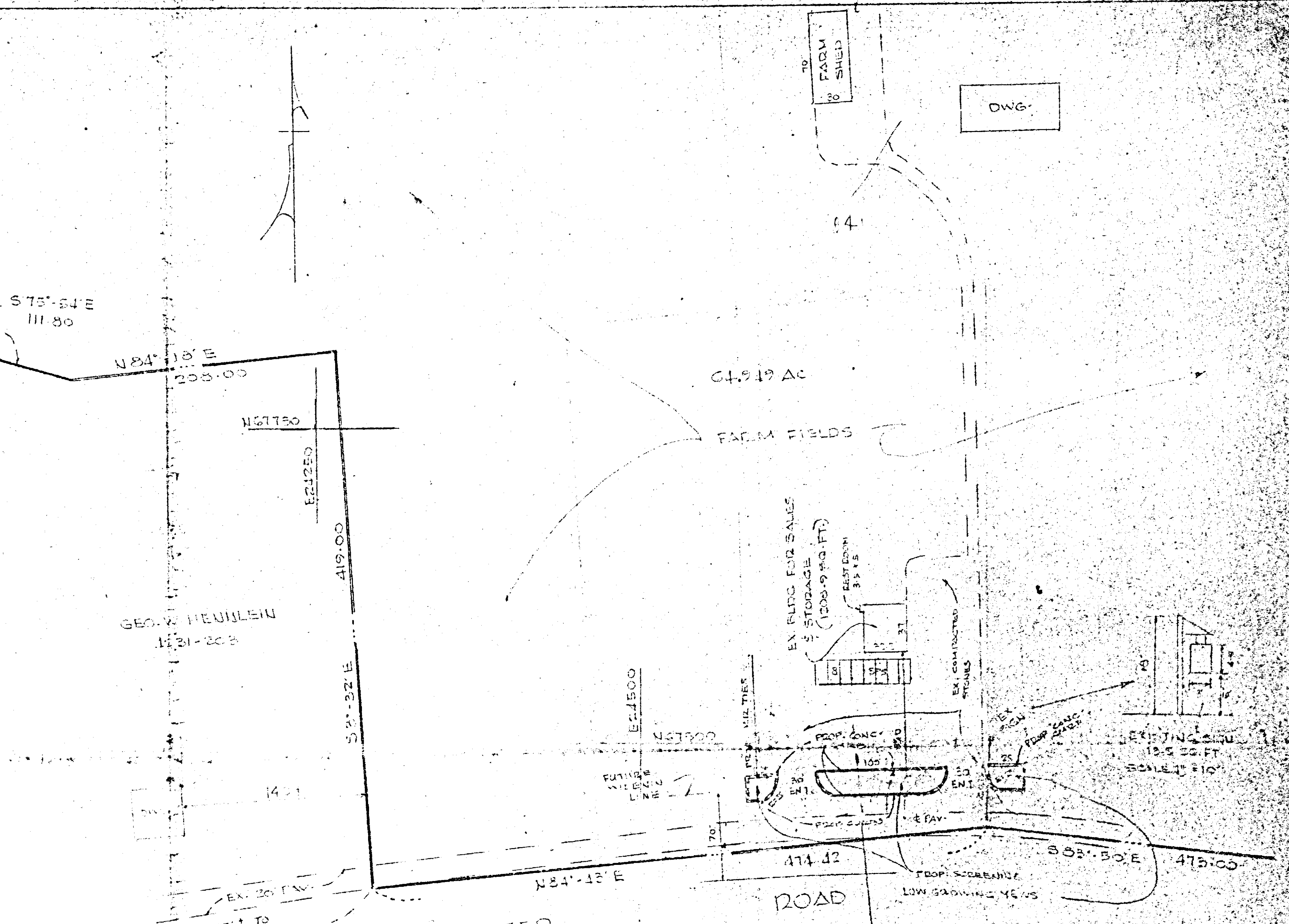
Middle River, Md., Jan 26 1984

This is to Certify, That the annexed
Petition
Richardson
was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of one successive
weeks before the 26th day of
January, 1984
Ed. D. Wright, Jr. Publisher.



1. THE FARMERS' CO-OP ROADSIDE STAND SHALL BE OPEN FOR BUSINESS ONLY FROM MARCH 1 THRU DEC. 30 EACH YEAR.
2. THE PETITIONER MAY SELL FRESH PRODUCE, INCLUDING VEG. TABLES AND FRUIT AND EXCEPT NO MEAT, AND FRESH FISH, I.E., CRABS AND SHELLFISH, INCLUDING SHRIMP FROM SAID STAND. SUCH FISH CANNOT BE FRESHLY KILLED, FROZEN VARIETIES BUT MAY BE FILZED BY FISHERMAN WHO HAS CAUGHT IT FOR THE PURPOSE OF TRANSPORTING IT TO THE PETITIONER FOR SALE.
3. COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE BALTO. CO. ZONING PLANS AND ZONING COMMITTEE (2002), WHICH ARE ADOPTED IN THEIR ENTIRETY AND MADE PART OF THIS ORDER.
5. ONLY TWO STALLS SHALL BE USED FOR THE COMMERCIAL FISHING BUSINESS AND NO MORE THAN THREE OTHER FISHERMEN MAY UTILIZE THE PROPERTY.
6. OUTDOOR CLEANING OF FISH AND CRABBY, SHALL TAKE PLACE ONLY AT THE SITE OF THE SHED ACROSS FROM THE DWELLING. SUCH CLEANING MAY OCCUR AT THE STAND IF DONE INDOORS.
7. A LANDSCAPING PLAN, SHOWING CHANNELIZATION, INTERNAL CIRCULATION, AND SCREENING OF THE PARKING AREA, SHALL BE SUBMITTED FOR APPROVAL TO THE CURRENT PLANNING AND DEVELOPMENT DIVISION. NO OTHER LANDSCAPING SHALL BE REQUIRED.
9. AN APPROPRIATE SURFACE PLAN FOR THE PARKING AREA SHALL BE SUBMITTED TO THE ZONING COMMISSIONER. SUCH PLAN MUST BE APPROVED BEFORE THE STAND MAY BE OPEN OR THE COMMERCIAL FISHING BUSINESS MAY BEGIN OPERATING.

FRANK B. LEE
311 NICHOLS AVE.
ELTMORE, MD. 21227
627-0922



RESTRICTIONS CASE # 81-703-X

1. THE FARMERS' CO-OP BOARDING STAND SHALL BE OPEN FOR BUSINESS ONLY FROM MARCH 1 THRU DEC. 31 OF EACH YEAR. THIS PETITIONER MAY SELL FRESH PRODUCE, INCLUDING VEGETABLES AND FRUIT AND EXCLUDING MEAT, AND FRESH FISH, I.E., CRABS AND SHELLFISH INCLUDING SHOIMP, FROM SAID STAND. SUCH FISH CANNOT BE PREPARED, FROZEN VARIETY BUT MAY BE FROZEN BY FISHERMAN WHO HAS CAUGHT IT FOR THE PURPOSE OF TRANSPORTING IT TO THE PETITIONER FOR SALE.
2. COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE BALTO. CO ZONING PLANS ADVISORY COMMITTEE (ZPAC), WHICH ARE ADOPTED IN THEIR ENTIRETY AND MADE PART OF THIS ORDER.
3. ONLY TWO BOATS SHALL BE USED FOR THE COMMERCIAL FISHING BUSINESS AND NO MORE THAN THREE OTHER FISHERMEN MAY UTILIZE THE PROPERTY.
4. OUTDOOR CLEANING OF FISH AND CRABPOTS SHALL TAKE PLACE ONLY AT THE SITE OF THE SHED ACROSS FROM THE DWELLING. SUCH CLEANING MAY OCCUR AT THE STAND IF DONE INDOORS.
5. A LANDSCAPING PLAN, SHOWING CHANNELIZATION, INTERNAL CIRCULATION, AND SCREENING OF THE PARKING AREA, SHALL BE SUBMITTED FOR APPROVAL TO THE CURRENT PLANNING AND DEVELOPMENT DIVISION. NO OTHER LANDSCAPING SHALL BE REQUIRED.
6. AN APPROPRIATE SURFACE PLAN FOR THE PARKING AREA SHALL BE SUBMITTED TO THE ZONING COMMISSIONER.
7. SUCH PLAN MUST BE APPROVED BEFORE THE STAND MAY BE OPEN OR THE COMMERCIAL FISHING BUSINESS MAY BE

NOTE: THE USE OF ANHYDROUS CHEMICALS AND DUST CONTROL TO INCLUDE CALCIUM CHLORIDE AND OTHERS (WITH THE EXCEPTION OF OIL) THE ENTIRE LENGTH OF THE ROADWAY AS REQUIRED. CHEMICAL APPLICATION TO BE DEFERRED IMMEDIATELY FOLLOWING MODERATE TO HEAVY RAINS. ALL SURFACES TO COMPLY WITH COMPLETION 10-18-95-FILE.

PLANNING APPROVED
 PLANNING AND ZONING
 DATE 11/21/84
 BY PLANNING
 DATE 11/21/84
 BY W. C. [Signature]
 ZONING COMMISSIONER
 DATE 11/21/84
 84-202 X
 [Signature]
 JOHN W. RICHARDSON
 6836 EBENEZER ROAD
 BALTO MARYLAND 21233

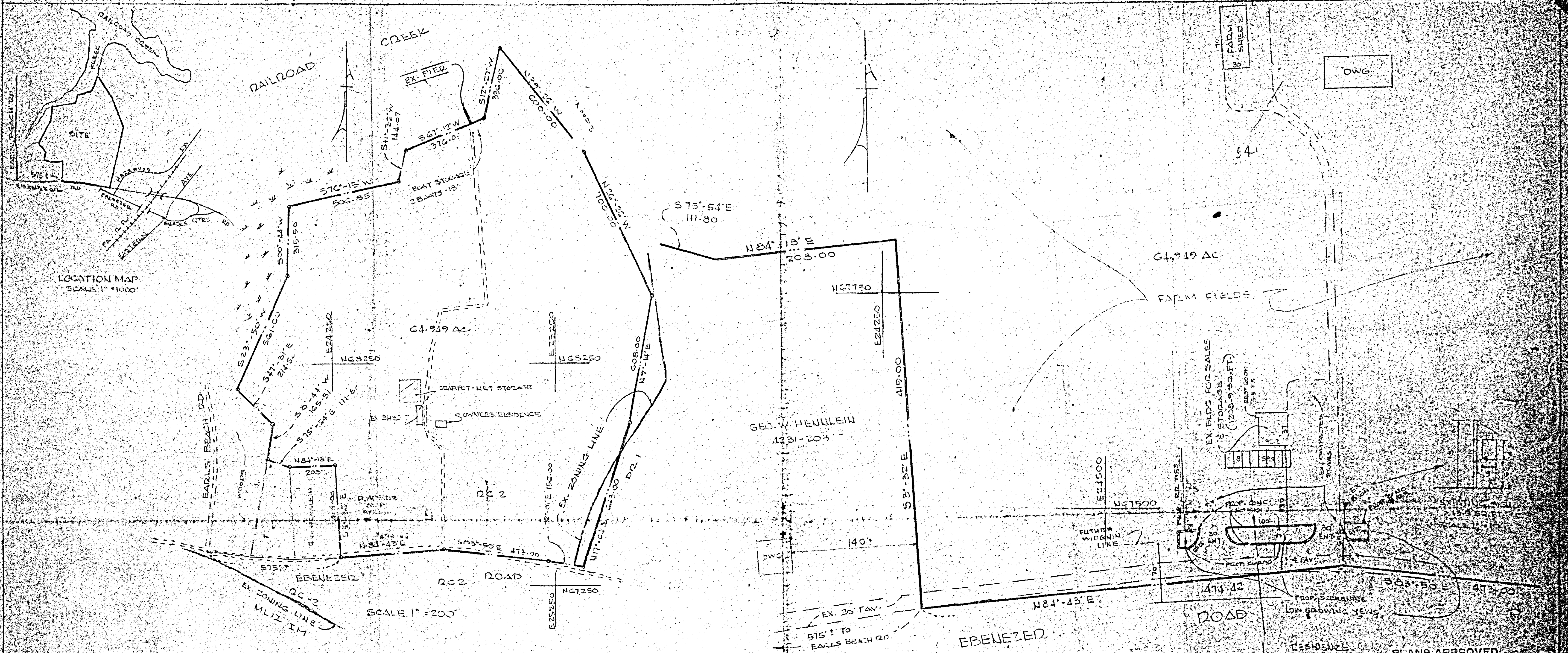
PLAT TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION FOR
FARMERS ROADSIDE COOP STORE & FISH, SHELLFISH FACILITY

NO. 6836 EBEUEZER ROAD
15TH DISTRICT BALTIMORE CO., MARYLAND
SCALE 1" = 50' DATE 11-3-82

DATE 11-3-83
REVISED 2/24/84
5-7-84 3-6-84
5-12-84 11-15-81
FRANK B. LEE
127 NEIGHBORS AVE.
BALTIMORE, MD. 21237
C-37-C-83



Microfilm



EXISTING USE - FARMERS ROADSIDE COOP STAND - FISH, SHELLFISH (SHORELINE CLASS 1)
 EXISTING ZONING - DC-2
 EXISTING ZONING - DC-2
 PROPOSED ZONING - SAME, WITH A SPECIAL EXCEPTION FOR A ROADSIDE COOP STAND - FISH & SHELLFISH FACILITY, AND FOR A NON CONFORMING USE
 AREA OF TRACT - 4.949 AC.
 AREA OF ROADSIDE COOP BLDG - 1191.4 SQ. FT.

- RESTRICTIONS - CASE # 81-202-X
1. THE FARMERS' COOP ROADSIDE STAND SHALL BE OPEN FOR BUSINESS ONLY FROM MARCH 1 THRU DEC. 31 EACH YEAR.
 2. THE PETITIONER MAY SELL FRESH PRODUCE, INCLUDING VEGETABLES AND FRUIT AND EXCLUDING MILK, AND FRESH FISH, I.E. CRABS AND SHELLFISH, INCLUDING SHRIMP, FROM SAID STAND. SUCH FISH CANNOT BE PREPACKAGED FROZEN VARIETY BUT MAY BE FROZEN BY FISHERMAN WHO HAS CAUGHT IT FOR THE PURPOSE OF TRANSPORTING IT TO THE PETITIONER FOR SALE.
 3. COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE BALTO. CO. ZONING PLANS ADVISORY COMMITTEE (ZPAC), WHICH WERE ADOPTED IN THEIR ENTIRETY AND MADE PART OF THIS ORDER.
 4. ONLY TWO BOATS SHALL BE USED FOR THE COMMERCIAL FISHING BUSINESS AND NO MORE THAN THREE OTHER FISHERMEN MAY UTILIZE THE PROPERTY.
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 6. A LANDSCAPING PLAN, SHOWING CHANNELIZATION, INTERNAL CIRCULATION, AND SCREENING OF THE PARKING AREA, SHALL BE SUBMITTED FOR APPROVAL TO THE CURRENT PLANNING AND DEVELOPMENT DIVISION. NO OTHER LANDSCAPING SHALL BE REQUIRED.
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NOTE: THE USE OF APPROVED CHEMICALS FOR INSECT CONTROL TO INCLUDE CALCIUM CHLORIDE AND OTHERS (WITH THE EXCEPTION OF OIL) THE ENTIRE LENGTH OF THE ROADWAY AS REQUIRED. CHEMICAL APPLICATION TO BE REPLENISHED IMMEDIATELY FOLLOWING MODERATE TO HEAVY RAINS. ALL SURFACES TO COMPLY WITH COMAR SECTION 10-18-02, D.F.C.

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY *[Signature]*
 DATE *11/14/93*
 BY *[Signature]*
 ZONING COMMISSIONER
 DATE *11/24/93*
 84-202-X
 OWNED BY
 JOHN W. RICHARDSON
 6836 EBENEZER ROAD
 BALTO. MARYLAND

PLAN TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION FOR FARMERS ROADSIDE COOP STAND - FISH, SHELLFISH FACILITY

No. 6836 EBENEZER ROAD
 15TH DISTRICT BALTO. CO. MARYLAND
 SCALE 1"=50' DATE 11/3/93
 REVISED 3/24/94
 11/15/94



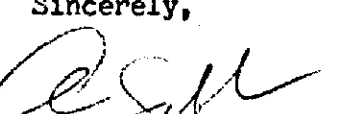
June 19, 1984

John B. Contrum, Esquire
Germania Federal Building
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 84-202-X
John W. Richardson, Petitioner

Dear Mr. Contrum:

Pursuant to our telephone conversation, please be advised that I will permit a crusher run surface for the parking area of the above-referenced property provided the surface is approved by the Bureau of Environmental Services, Department of Health, and complies with the Maryland State regulations governing air pollution, specifically Section 10.03.3876, COMAR. All other conditions delineated in my Order must be satisfied immediately.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/s-l

MICROFILMED

July 18, 1984

Mr. John B. Contrum
Romadka, Contrum, Hennegan & Foss
Germania Federal Building
809 Eastern Blvd.
Essex, Maryland 21221

RE: Item 135
Case: 84-202-X
Petitioner: John W. Richardson

Dear Mr. Contrum:

This letter is in response to your letter to me dated July 2, 1984 concerning the matter of Airborne Particulate (AP) control measures for crusher-run roads. Please be advised that Code of Maryland Regulations 10.18.06.D1 b & c Revision VIII November, 1983 are in effect throughout the County and apply to the site noted above.

The following are approved methods for the control of Airborne Particulate:

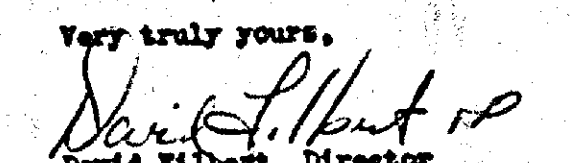
- The use of water along the entire length of ingress and egress roadway not less than twice daily at ten a.m. and prior to four p.m. on all days other than inclement weather.
- The use of water along the entire roadway on an as needed basis should item (a) prove to be inadequate in the control of Airborne Particulate.
- The use of approved chemicals for dust control to include calcium chloride and others (with the exception of oil) the entire length of the roadway as required. Chemical applications must be replenished immediately following moderate to heavy rains.
- The use of oil along the entire length of the road of ingress and egress appropriately applied as prescribed by the Department of Natural Resources for the control of dust and AP. The use of oil is not to be less than once per quarter and not to cause a nuisance to the public or a hazard on the roadway.
- The use of new crusher run as the existing surface becomes pulverized due to heavy traffic causing AP.
- The use of an approved paving other than crusher run, as prescribed by the Baltimore County Code for new and existing roadways, should the control measures as prescribed above become ineffectual within

Mr. Contrum
Page 2
July 18, 1984

a 180 day trial period as deemed by the Division of Air Pollution control.

The methods noted are available to your client who may select any one or a combination of them which he feels more acceptable, economical and feasible for AP control on crusher run.

Should you have any questions or require additional assistance please feel free to contact Mr. Howard Lynch, Program Supervisor, Field Services Section, at 494-3777.

Very truly yours,

David Filbert, Director
Division of Air Pollution Control
Bureau of Environmental Services

DF:ru/EL
cc: Ian Forrest
Arnold Jablon, Zoning Commissioner
Eastern Regional
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Zoning Commissioner
Susan Carrell
FROM: Current Planning & Development
SUBJECT: Zoning Petition #84-202-X

Date: November 2, 1984

I have reviewed the site plan for the above Zoning Petition with Mr. Ogle and offer the following revised comments:

The plan should be revised to show a total of 7-8 parking spaces with wheel stops adjacent to the building. The remaining parking spaces should be eliminated. One of the entrances should be removed and concrete curb be provided along the front. A time limit for completion of the work should be imposed.


Susan Carrell

SC:rh

cc: LeRoy Ogle

LAW FIRM
Romadka, Contrum, Hennegan & Foss
GERMANIA FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 586-8574

ROBERT J. ROMADKA
JOHN B. CONTRUM
JOHN G. HENNEGAN
CHARLES W. FOOS, III

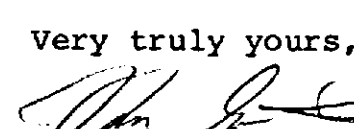
August 29, 1984

Arnold Jablon, Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 84-202-X
JOHN W. RICHARDSON

Dear Commissioner Jablon:

By this letter I am hereby requesting you to amend your Zoning Order, dated February 24, in the above-referenced matter particularly with respect to Restriction No. 3 which requires the plan to be in total compliance with comments of the County Zoning Plans Advisory Committee and with Comment No. 7 which requires submission of a plan to Current Planning and Development. Evidently, there is some confusion in the minds of Current Planning with respect to the scope of these restrictions and it is my understanding that although the plan which we have filed is acceptable to you, they are interpreting your comments and restrictions in such a way as to impose additional landscaping and development requirements on the Petitioner which are not necessary for the current development. We would, therefore, respectfully request your amendment to your Zoning Order so that the final site plan can be approved.

Very truly yours,

John B. Contrum

JBG/meh

cc: John Richardson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Susan Carrell
FROM: Current Planning & Development
SUBJECT: Zoning Petition #84-202-X

Date: November 2, 1984

I have reviewed the site plan for the above Zoning Petition with Mr. Ogle and offer the following revised comments:

The plan should be revised to show a total of 7-8 parking spaces with wheel stops adjacent to the building. The remaining parking spaces should be eliminated. One of the entrances should be removed and concrete curb be provided along the front. A time limit for completion of the work should be imposed.


Susan Carrell

SC:rh

cc: LeRoy Ogle

need this as soon
as possible. Opening
Saturday needs
Trader's License



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

MAY 24 REC'D

May 16, 1984

Mr. John Contrum
809 Eastern Blvd.
Baltimore, Maryland 21221

cc: John Richardson
RE: 84-202-X Zoning

Dear Mr. Contrum:

Should you elect to use crusher run, this office requires you to use either one or a combination of oil, water and/or chemicals to control and/or eliminate air borne particulate relative to parking and road surfaces. Any inquiry from the Zoning Commissioner on this matter will reflect this statement.

Very truly yours,

Howard Lynch, Project Supervisor
Field Services Section
Division of Air Pollution Control
Bureau of Environmental Services

HL:ru

MAY 28 1984



ZONING DEPT

By

Pursuant to the advertisement, posting of property, and public hearing on the Petition and appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Comodari, Zoning Department Date: December 15, 1983

FROM: C. E. Burnham, Chief, Plans Review CSB

SUBJECT: Zoning Advisory Committee Meeting of December 13, 1983

Item #131	See Comments
Item #132	See Comments
Item #133	See Comments
Item #134	See Comments
Item #135	No Comment
Item #136	See Comment
Item #137	No Comments
Item #138	See Comments
Item #139	See Comments
Item #140	No Comment
Item #141	No Comment
Item #142	See Comments

Item #89 Revised See Comment

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 1/5/84

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of:

RE: Item No: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, & 142.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/ih

IN RE: PETITION SPECIAL EXCEPTIONS
N.O. of Ebenezer Road, C.M. P.
of Barle Beach Road - 15th
Election District
John W. Richardson,
Petitioner
OFFICE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 44-12-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests special exceptions for a farmers' co-op roadside stand and a fishing and shellfishing facility, Class II, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Various neighbors appeared on his behalf, some of which testified. See Petitioner's Exhibit 9. Also appearing were Wade Bowers, Ira G. Smith, and Richard Burdett, Protestants.

Testimony indicated that the subject property is zoned R.C.2 and comprises 65 acres. The Petitioner purchased the property in 1979 and began operating a farmers' co-op roadside stand by selling produce. He also sold crabs and fish either on consignment or by purchasing them from watermen in the area. Such a stand requires a special exception in an R.C.2 Zone. The property borders Railroad and a tidal water, and the Petitioner wishes to extend his business to include a Class II fishing and shellfishing facility so that he may sell his catch. The property consists of the roadside co-op stand which faces south toward Ebenezer Road, a driveway extending the entire width of the property from Ebenezer Road to the water, the Petitioner's residence, an existing shed, and an area denoted for crab pot/net storage, as shown on Petitioner's Exhibit 1. The stand is 32.2' x 37' and is equally divided between the actual area for selling

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and an area for storage of farm machinery. The shed is also used for storage. Twenty-two parking spaces are provided and the surface is compacted gravel.

A dwelling exists approximately 140 feet to the left of the Petitioner's property, owned by Mrs. George W. Hennlein, who supports the request for special exceptions. The property to the right is owned by a religious order and is undeveloped. Mrs. Hennlein and Joseph Hicks, a waterman, testified that the uses proposed would not adversely affect the health, safety, and general welfare of the community and that both would be compatible with the area.

The Petitioner farms about 50 acres of the subject site and sells the resulting produce at the stand. Testimony indicated that a roadside stand has existed for long periods, if not continuously, at the present site, and the Petitioner and his supporters felt that such a stand was needed in the area. Although the stretch of Ebenezer Road along which the subject property is located is still farmland, Gunpowder State Park and residential development to the east have created a great deal of traffic. Officer William Cummings, Essex Precinct, who lives in the area and regularly patrols it, testified that he felt the stand would not adversely impact upon traffic congestion. He noted that the stand would not create traffic, only serve existing traffic.

The Petitioner testified that he intends to fish and to allow other watermen to use his access to Railroad Creek in order to sell their catch at his stand. Mr. Smith, who lives across Ebenezer Road from the subject property, related his concerns about the Petitioner's business and conduct. He and Mr. Bowers testified that they are concerned about the cleaning of fish in front of the stand, the oil used to spray the parking lot to keep the dust down which they feel contaminates the well in the area, and the expansiveness of the Petitioner's business which in some ways is competition for Mr. Bowers' convenience store about a mile from the Petitioner's property. They do not object to the special exceptions.

The Petitioner seeks relief from Section 1401.2.C.8 and 9, pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR).

It is clear that the BCZR permit the uses requested by the Petitioner in a R.C.2 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed farmers' co-op stand and fishing and shellfishing facility, Class II. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exceptions as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed uses met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed uses would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the uses proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such special exception uses irrespective of their location within the zone. Schultz v. Pritts, 432 A.2d 919 (1981).

The proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1

having been met and the health, safety, and general welfare of the community not being adversely affected, the special exceptions should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of February, 1984, that the Petition for Special Exceptions for a farmers' co-op roadside stand and a fishing and shellfishing facility, Class II, in accordance with the site plan introduced and accepted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The farmers' co-op roadside stand shall be open for business only from March 1 through December 30 each year.
2. The Petitioner may sell fresh produce, including vegetables and fruit and excluding milk, and fresh fish, i.e., crabs and shellfish, including shrimp, from said stand. Such fish cannot be prepackaged, frozen variety but may be frozen by the fisherman who has caught it for the purpose of transporting it to the Petitioner for sale.
3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.
4. A detailed site plan, incorporating the comments submitted by ZPAC, shall be submitted to the Office of Zoning. Such plan shall bind the Petitioner.
5. Only two boats shall be used for the commercial fishing business and no more than three other professional commercial fishermen may utilize the property.
6. Outdoor cleaning of fish and crabpots shall take place only at the site of the shed across from the dwelling. Such cleaning may occur at the stand if done indoors.
7. A landscaping plan, showing channelization, internal circulation, and screening of the parking area, shall be submitted for approval to the Current Planning and Development Division. No other landscaping shall be required.
8. An appropriate surface plan for the parking area shall be submitted for approval to the Zoning Commissioner.

Such plan must be approved before the stand may open or the commercial fishing business may begin operating.

[Signature]
Zoning Commissioner of
Baltimore County

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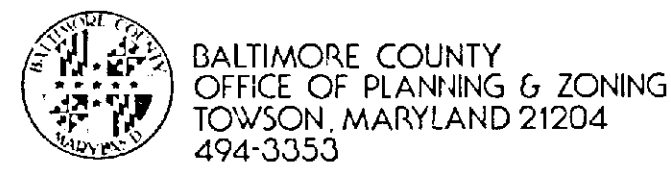
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ARNOLD JABLON
ZONING COMMISSIONER

May 10, 1984

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 84-202-X
John W. Richardson, Petitioner

Dear Mr. Gontrum:

Pursuant to our conversation, please be advised that I will permit Mr. Richardson to continue operating his business which was the subject of a request for special exception (Case No. 84-202-X).

I will allow a thirty (30) day extension from the date of this letter for you to comply with Restrictions 7 and 8 of my order.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:ech

cc: File

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

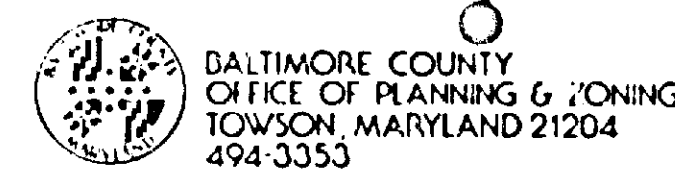
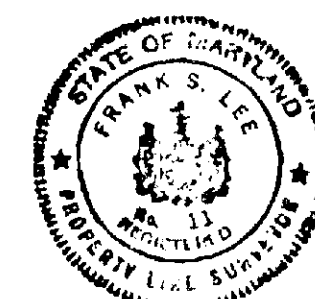
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

November 16, 1983

No. 6836 Ebenezer Road
15th District Baltimore County, Maryland

Beginning for the same on the north side of Ebenezer Road at the distance of 575 feet more or less measured along the north side of Ebenezer Road from the east side of Earls Beach Road, thence running and binding on Ebenezer Road as follows: North 84 degrees 43 minutes East 474.42 feet, South 83 degrees 50 minutes East 474 feet and South 82 degrees 01 minute East 156 feet, thence leaving Ebenezer Road for lines of division as follows: North 17 degrees 04 minutes East 663 feet, North 9 degrees 14 minutes East 608 feet, North 26 degrees 26 minutes West 700 feet, North 39 degrees 26 minutes West 600 feet, South 12 degrees 27 minutes West 336 feet, South 67 degrees 12 minutes West 376 feet, South 11 degrees 32 minutes West 144.07 feet, South 76 degrees 15 minutes West 376 feet, South 00 degrees 44 minutes West 315.50 feet, South 23 degrees 50 minutes West 561 feet, South 47 degrees 31 minutes East 214.50 feet, South 8 degrees 44 minutes West 165.51 feet, South 75 degrees 54 minutes East 111.80 feet, North 84 degrees 18 minutes East 208 feet and South 3 degrees 32 minutes East 419 feet to the place of beginning.

Containing 64.949 acres of land more or less.



ARNOLD JABLON
ZONING COMMISSIONER

February 2, 1984

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Special Exception
N/S Ebenezer Rd. 575' E of Earls
Beach Rd. (6836 Ebenezer Road)
John W. Richardson - Petitioner
Case No. 84-202-X

Dear Mr. Gontrum:

This is to advise you that \$42.11 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126884

DATE 3/1/84 ACCOUNT R-01-615-000

AMOUNT \$42.11

RECEIVED FROM John W. Richardson
FOR Advertising & Posting Case #84-202-X

6 154*****421110 0000A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION

15th Election District

ZONING: Petition for Special Exception

LOCATION: North side Ebenezer Road, 575 ft. East of Earls Beach Road
(6836 Ebenezer Road)

DATE & TIME: Wednesday, February 15, 1984 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for farmers' co-op roadside stand
and fishing and shellfishing facilities, Class II

Being the property of John W. Richardson, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

January 1984

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

NOTICE OF HEARING

Re: Petition for Special Exception
N/S Ebenezer Rd., 575' E of Earls
Beach Rd. (6836 Ebenezer Road)
John W. Richardson - Petitioner
Case No. 84-202-X

TIME: 11:00 A.M.

DATE: Wednesday, February 15, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122949

DATE 12-1-83 ACCOUNT R-01-615-000

AMOUNT 123.40

RECEIVED FROM Gontrum
FOR Fee for item 125 Reduction

6 163*****1006010 0022A

VALIDATION OR SIGNATURE OF CASHIER

February 24, 1984

John B. Gontrum, Esquire
Germania Federal Building
809 Eastern Boulevard
Baltimore, Maryland 21221

IN RE: Petition Special Exceptions
N/S of Ebenezer Road, 575' E
of Earls Beach Road - 15th
Election District
John W. Richardson, Petitioner
Case No. 84-202-X

Dear Mr. Gontrum:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: Mr. Ira G. Smith
6841 Ebenezer Road
P.O. Box 123
Chase, Maryland 21027

People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: January 20, 1984

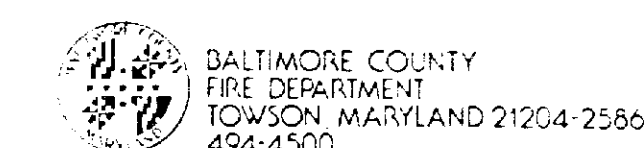
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

John W. Richardson
SUBJECT: 84-202-X

If granted, channelization and internal circulation should be shown on the plan, as well as screening for the parking area and details of landscaping. Also, the current Planning and Development Division cited the applicability of Division 3 of the Development Regulations.

NEG/JGH/sf

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning



PAUL H. REHKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: John W. Richardson

Location: N/S Ebenezer Road 575' E. Earls Road

Item No.: 135 Zoning Agenda: Meeting of 12/13/83

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Rehke* Planning Group
Special Inspection Division Fire Prevention Bureau

/mb

2/15 84-202-X

PETITIONER'S
EXHIBIT 8

AFFIDAVIT

Alban H. Karlott
Affiant

This personal knowledge is based upon:

AS WITNESS my hand and Notarial Seal

RECEIVED
JAN 10 1964

Copyright © 2007 John Wiley & Sons, Ltd.

PETITIONER'S
EXHIBIT 9

AFFIDAVIT

AFFIDAVIT

George W. Hornblair
Assistant

STATE OF MARYLAND, COUNTY OF BALTIMORE: ss.

AS WITNESS my hand and Notarial Seal

1. *What is the purpose of this study?*
 2. *What are the research questions or hypotheses?*
 3. *What methods were used to collect data?*
 4. *What results were found?*
 5. *What conclusions were drawn from the results?*
 6. *What are the implications of the study?*
 7. *What are the limitations of the study?*
 8. *What are the strengths of the study?*
 9. *What are the future research directions?*
 10. *What are the key findings of the study?*

AFFIDAVIT

MARTHA A. PETRUCCY
Affiant

1. *Staphylococcus aureus* (100%)